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HILLERICH & BRADSBY CO.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 MARK L. MCHUGH, an individual,

13 Plaintiff,

14 v.

15 HILLERICH & BRADSBY COMPANY,
a private company,

16 Defendant.
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18 HILLERICH & BRADSBY CO. d/b/a
19 Louisville Slugger, a Kentucky corporation,

20 Counterclaimant,

21 v.
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23 MARK L. MCHUGH, an individual,

24 Counterclaim-Defendant.
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Case No. C 07-03677 JSW

STIPULATION TO CONTINUE DATES
FOR TUTORIAL AND CLAIM
CONSTRUCTION HEARING

Date: Not applicable
Time: Not applicable
Ct rm: Courtroom 2, 17th Floor
Hon. Jeffrey S. White

STIPULATION TO CONTINUE
HEARING DATES
Case No. C 07-03677 JSWL

1 IT IS HEREBY STIPULATED AND AGREED by plaintiff Mark L. McHugh and
2 defendant Hillerich & Bradsby Co. ("H&B"), through their respective counsel, as follows:

3 WHEREAS, a claim construction tutorial is currently scheduled for August 19,
4 2008, and a claim construction hearing is set on August 26, 2008;

5 WHEREAS, serious legal and business issues have quickly and unexpectedly arisen
6 with H&B's primary Asian bat production facility, including product reliability,
7 regulatory, and safety considerations;

8 WHEREAS Steve Lyverse is H&B's General Counsel and sole in-house attorney,
9 as well as the company's most senior legal and financial executive who has continuously
10 been and remains responsible for these urgent issues that have arisen;

11 WHEREAS, as a result of his overseas travel to address these unanticipated issues,
12 Mr. Lyverse will be unavailable to attend the tutorial and claim construction hearings set
13 for August 19 and August 26, 2008;

14 WHEREAS, McHugh's counsel has agreed to accommodate H&B's request and to
15 stipulate to a continuance of the tutorial and claim construction hearing;

16 WHEREAS, counsel are unavailable for hearings on the following dates:
17 September 1-5, 15, and 22-29;

18 WHEREAS, the parties are also engaged in ongoing settlement discussions;

19 WHEREAS, H&B has not previously requested any continuance of the hearing
20 dates and the request is not made for purposes of delay;

21 IT IS HEREBY STIPULATED by the parties, through their counsel of record, that
22 the tutorial and claim construction hearing be continued to the Court's earliest available
23 hearing dates after September 8, 2008 (but excluding September 15 or 22-29).

24 McHugh's reply brief will be filed two weeks before the Claim Construction
25 Tutorial and H&B's claim construction brief will be filed four weeks before the Claim
26 Construction Tutorial.

1 IT IS SO STIPULATED.

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3 Dated: July 18, 2008

LOEB & LOEB LLP
LAURA A. WYTSMA
ULESES C. HENDERSON, JR.

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6 By /s/ Laura A. Wytsma
Laura A. Wytsma
Attorneys for Defendant
HILLERICH & BRADSBY CO.
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10 Dated: July 18, 2008

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14 By /s/ Robert J. Yorio
Christopher P. Grewe
Attorneys for Plaintiff
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